1943

File No. B. Finance 43

Legal Dept

BRANCH B

Subject:– Governors Bill No III of 1943

A Bill to amend the Bombay Finance Act 1932

Bom. Act No III of 1943

(E)

B. Finance/43

File No.

Gen. 194 e.

245-B

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Office of the R.L.A.

The requisite draft Bill is appended.

2. The subject-matter of the Bill would fall under entries Nos. 1, 41, 48B and 51 in List II and entries Nos. 13 and 31 in List III in the Seventh Schedule to the Government of India Act, 1935. The subject-matter of Part IV of the Bomba y Finance Act, 1932, falls inter alia, under entry 13 of List III of the Government of India Act, 1935. It contains provisions which are repugnant to the Indian Stamp Act, 1893, which is an existing Indian Law relating to this entry. The provisions of caluse 2 of the Bill, in asmuch as they provide for continuance of these provisions in Part IV of the Bombay Finance Act, 1932, by one year more from 31st March 1943, are repugnant the provisions of the said existing Indian law. The Bill will ~~have~~ have, therefore, to be reserved for the consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935

3. The Finance Department should append a statement to the Bill.

4. Under executive instrutions the Bill requires the previous concurrence of the Governor General.

Id/- P.N.M 4/2

Remembrancer of Legal Affairs.

U.R. to F.D. No. 59-Confl, dated the 4th February 1943.

Mjr/14/7

4 Cs..

No. 122 Confl.

Legal Department,
Bombay Castle, 11th March 43.

Immediate
Confidential.

From
P.N. Loos, Esquire. Bar-at-Law, I.C.S.
Secretary to the Government of Bombay

To
The Secretary to the Governor of Bombay

Subject:- A Bill to amend the Bombay Finance Act, 1932.

Sir,

With reference to your Memorandum No. 201(84) dated the 5th March 1943, addressed to the Finance Department, on the above subject, I am directed to forward herewith a copy of the Bill to amend the Bombay Finance Act, 1932, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of caluse (1), (b), (c) or (d) of paragraph XVII of the Instrucment of Instruct ions to the Governor of Bombay.

3. By Bombay Act, VI of 1942, the operation of the Bombay Finance Act, 1932, was extended upto 31st March 1944. Bombay Act VI of 1942 was reserved for the consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935. The assent of the Governor General to that Act was communicated to this Department by your letter No. 201 (56) dated the ~~2nd~~ 27th March 1942. The present Bill purports to extend the operation of the Bombay Finance Act, 1932 with certain amendments for a further period of one year i.e. till 31st March 1944.

4. The subject-matter of the Bill falls under entries Nos. 1. 42,48B and 51 in List II and entries Nos. 13 and 31 in ~~III~~ List III in the Seventh Schedule to the Government of I India Act, 1935.

The subject, matter of Part IV of the ~~Government of India Act~~ Bombay Finance Act, 1932, falls inter alia, under entry 13 of list III in the Seventh Schedule to the Government of India Act, 1935. ~~It~~ contains provisions which are repugnant to the Indian Stamp Act, 1899, which is an existing Indian law relating to this entry. The provisions of caluse 2 of the Bill inasmuch as they provide for continuance of these provisions in Part IV of the Bombay Finance Act, 1932, for a further period of one year from 31st March 1943, are repugnant to the provisions of the said existing Indian law. The Bill will therefore have to be reserved for consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

5. I also forward herewith six spare copies of the Bill, out of which five copies are for transmission to the Secretary to the Governor General (Public).

6. It is requested that His Excellency the Governor General may be moved to give his assent and to the Bill may be obtained to convey the assent by telegram so as to enable this Govt. to publish the assent before 31st March 1943 as the old Act expires on that day and the new Act must come into force on that date.

I have the honour to be,
Sir,

Yours most obdeient servant,

Id/- P.N.M.

11/3

Secretary to the Government of Bombay,
Legal Department.

Through

The Joint Secretary to the Government of Bombay,

Finance Department.

Mjr/14/7

4 Cs.

IMMEDIATE.

No. 201 (56)
Office of the Governor's
Secretary

Government House,
Bombay, 25th March 1943

From

J.B. Irwin, Esquire, CIE DSO MC. ICS.
Secretary to t e Governor of Bombay

To

The Secretary to Government,
Legal Department, Bombay.

Subject: A Bill to amend the Bombay Finance Act, 1932.

Sir,

With reference to your letter No. 122-Confl., dated the 11th March 1943, on the above subject, I am directed to state that intimation ahs been received from the Secretary to the Governor-General (Public) that His Excellency the Governor-General assented to the Bombay Finance (Amendment) Bill, 1943, on the 24th March 1943.

Your obedient servant,

Id/-

For secretary to the Governor of Bombay.

Mjr017/7
4 Cs.

No . 201(56)
Office of the Governor's Secretary,
Government House,
Bombay, 29th March 1943.

From

J.B. Irwin, Esquire, CIE DSO MC ICS
Secretary to the Governor of Bombay,

To

The Secretary to Government,
Legal Department,

Subject: A Bill to amend the Bombay Finance Act, 1932.

Sir,

In continuation of my letter No. 201(56), dated 25th March 1943, communication the assent of His Excellency the Governor-General to the Bombay Finance (Amendment) Bill , 1943, I am directed to forward herewith the copy of the Bombay Finance (Amendment) Bill, 1943, with His Excellency the Governor-General's assent signified thereon.

Your obedient Servant.

Id/-

For Secretary to the Governor of Bombay.

Mjr/17/7
4 Cs.

Acts

Publication of the Bombay Finance (Amendment) Act, 1943.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 2318
Bombay Castle, 30th March 1943.

Letter to the Secretary to the Governor No. 122-Confl. dated the 11th March 1943.

Letter from the Secretary to the Governor, No. 201(56), dated the 29th March 1943.

" In continuation of my letter No. 201)56), dated 25th March 1943, communication the assent of His Excellency the Governor-General to the Bombay Finance (Amendment) Bill, 1943, I am directed to forward herewith the copy of the Bombay Finance (Amendment) Bill, 1943, with His Excellency the Governor.General's assent signified thereon."

RESOLUTION - The law should be published as Bombay Act, No. III of 194 , in the Bombay Government Gazette dated the 30th March 1943.

2. The Act should be translated into Marathi, Gujrati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Finance Department.

By order of the Governor of Bombay,

Sd/- S.L.Chaudhari,

P.N.MOOS,
For Secretary to Government.

To

The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department),
The Finance Department,) with
*The Oriental Translator to Government,) a copy
The Secretary to the Bombay Legislative Council,) of the Act.
The Secretary to the Bombay Legislative Assembly.)

* With five extra copies.

Mjr/17/7

2143/45

GOVERNOR'S BILL No. III OF 1943.

A Bill to amend the Bombay Finance Act, 1932.

WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing; Bom. II of 1932.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature; 26 Geo. 5, c. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. (*1*) This Act may be called the Bombay Finance (Amendment) Act, 1943. Short title and commencement.

(*2*) It shall come into force on the 31st day of March 1943.

2. In sub-section (*3*) of section 2 of the Bombay Finance Act, 1932 (hereinafter called the said Act), for the word "eleven" the word "twelve" shall be substituted. Bom. II of 1932. Amendment of section 2 of Bom. II of 1932.

3. In clause (*a*) of section 17 of the said Act, for the words "notified area", the word "village" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April 1941. Amendment of section 17 of Bom. II of 1932.

STATEMENT.

The Bombay Finance Act, 1932, containing provisions for the imposition of an Electricity duty, enhanced Stamp duties and Court-fees and the Urban Immovable Property Tax expires on the 31st March 1943. Government has decided that these imposts should continue for another year at the existing rates.

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BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.